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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,923	03/29/2001	George Gerpheide	1153.INDE.NP	7545
26986 7590 07/17/2007 MORRISS OBRYANT COMPAGNI, P.C. 734 EAST 200 SOUTH SALT LAKE CITY, UT 84102			EXAMINER ENG, DAVID Y	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/823,923

Applicant(s)

GERPHEIDE, GEORGE

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-47 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 and 51-53 is/are allowed.
- 6) ☒ Claim(s) 17-21 and 33-47 is/are rejected.
- 7) ☒ Claim(s) 22-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/21/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/9/01 and 6/21/01</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-9 and 48-50 have been cancelled. The active claims are 10-47 and 51-53.

Figures 3, 6 and 8 submitted on 8/21/2001 are objected to under 37CFR 1.84(o) for lack of legends.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 17-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Michie (US 2001/0024189 A1).

#### **Claim 17**

A method for facilitating navigation among websites and web pages that are accessible via the world wide web using a web navigation device [mouse pad 100, Figures 1 and 6], wherein the system [computer system 10, Figure 1] facilitates access to a sponsor [advertiser] of the web navigation device [column 12, line 47 to column 13, line 2, describes “connecting the end user/potential consumer to the advertiser in an active link” which includes “at least one switch defined to visit the advertiser’s internet web site” and an indicia 500 or 501, in Figure 6, which corresponds in some manner to the advertiser], said method comprising the steps of:

(1) providing a peripheral linking device [mouse pad 100, see Figures 1, 6 and column 5 lines 59-64] for facilitating navigation in the world wide web, wherein the peripheral linking device includes at least one programmable switch [switches 103a-103h, see Figure 6] that when actuated performs an activity associated with web navigation [column 13 lines 12-44, describes defining various switches on mouse pad 100 to “launch various applications” and to “open various groups, locations, commerce offerings and other content areas”];

(2) providing a browser terminal [monitor 12] which is coupled to the peripheral linking device, and which displays information retrieved from the world wide web by using the peripheral linking device;

(3) providing a link-box [see Figure 3, where the link-box is interpreted as a program, namely software 101], wherein the link-box includes a database [where the database is interpreted as a switch set where ‘various switch objects [500-507] are grouped and organized in a specifically addressable manner”, see Figure 3 and column 11 lines 53-67] that associates the at least one programmable switch with a URL [column 12 lines 51-54 describes “at least one switch defined to visit the advertiser’s internet web site”]; and

(4) navigating the world wide web by providing [actuation of a switch, see column 10 lines 52-59] input to the peripheral linking device to thereby control the browser terminal so as to display a web page associated with the URL “visit the advertiser’s internet web site”, see column 12 lines 52-54].

**Claim 18**

Claim 18 recites retrieving and displaying a web page by actuating a programmable switch. The recitation overlaps with its parent claim 17. See the interpretation of Nicholson above (e.g. "when actuated perform an activity associated with web navigation" and "so as to display a web page associated with the URL).

**Claim 19**

It is well known that browsing the webs via Internet requires computer hardware and software.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholson (USP 6,037,928)

**Claim 20**

It is well known that unique identifications are required to access a link-box located on a network such as Internet, retrieve URL from the link-box and deliver the URL back to the device.

**Claim 33**

Nicholson also teaches more than one switch.

**Claim 34**

The steps recited in claim 34 are inherent in programming a programmable switch.

**Claim 35**

Drop down menu listing the possible selections are well known in the art, e.g. selecting one of the states in an address.

Claims 36-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nachinson (USP 6,037,928) in view of either Michie (USP 2001/0024189) or Capps (USP 6,326,947).

**Claim 36**

Nachinson teaches:

A system for providing access to a preprogrammed website ["advertiser's internet web site" see column 12 line 47 to column 3 line2]on a global information network from a peripheral linking device [mouse pad 100] that is programmed to at least provide direct access to the preprogrammed website ["at least one switch defined to visit the advertiser's internet web site" see column 12 lines 52-54], said system comprising:

a peripheral linking device [mouse pad 100, see Figures 1, 6 and column 5 lines 59-64];

at least one programmable button [switches 103a-103h, see Figure 6 and column 13 lines 12-44, which describes defining various switches on mouse pad 100 to "launch

various applications” and to “open various groups, locations, commerce offerings and other content areas”] on the peripheral linking device;

a computer system [10 see Figure 1] that receives input from the peripheral linking device [column 10 lines 10-19 describes that the operating system detects data from the mouse pad], and which has access to the Internet; and

a link-box [where the link-box is interpreted as a program, namely software 101, see Figure 3] disposed on the Internet, wherein the link-box includes a database [where the database is interpreted as a switch set where “various switch objects [500-507] are grouped and organized in a specifically addressable manner’, see Figure 3 and column 11 lines 53-67] for the peripheral linking device that associates an address of the website with the at least one programmable button [column 12 lines 51-54 describes “at least one switch defined to visit the advertiser’s internet web site”], wherein actuating the at least one programmable button [actuation of a switch, see column 10 lines 52-59] on the peripheral linking device causes the link-box to send to the computer system an address of the website [column 12 lines 53-54 describes launching the dialer, the browser and loading the domain name (or URL) selected by the business], and to display the contents of the web site on a computer display [visit the advertiser’s internet web site, see column 12 lines 52-54].

However, Nachinson does not specifically teach that the link-box is disposed on the Internet. Rather, in Nachinson, the link-box [or software portion 101] is installed on computer 11 following physical connection to mouse pad 100, or may be downloaded

from a computer network or an internet web site [ see column 7 lines 43 to column 8 line 4].

**Michie**

On the other hand, Michie teaches a merchant-specific input device and of promoting business using the input device [see mouse 10 and web switch 12, Figure 1 and paragraphs 0024 and 0038-0039], where the link-box, which interpreted as the computer peripheral device (CPD) website 37a , 37b, at Figure 1 and paragraph 0026-0027 and 0033-0034, is disposed on the Internet, as shown in Figure 1. Michie teaches that “upon actuation of the pre-programmed switch, the user is first connected to a Computer Peripheral Device (CPD) Website, which automatically relays the user to another Website” and teaches that the “CPD Website can function as a tracking site, for tracking timing and frequency of Website access by the users using the pre-programmed switches on the merchant-specific peripheral devices” [see paragraph 0026].

**Capp**

On the other hand, Capps, teaches a link-box disposed on the Internet (e.g. col. 2, lines 27-29, col. 5, lines 27-32).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the link-box on the Internet as taught by Capps in the invention of Nachinson because it would allow the client system to offload the storage and decoding functions to a server, thereby freeing up storage and processing from the



client and to provide a more efficient way of updating the list of sequences on the server when multiple users rely on the decoding.

**Claim 37**

Touch pad, stylus, smart card reader, telephone and speakers are well known computer peripherals.

**Claim 38, 39, 40**

Using password to lock and unlock is well known in computer art.

**Claim 41**

The computer of Nachinson is used for browsing also.

**Claim 42**

It is well known that unique identifications are required to access a link-box located on a network such as Internet, retrieve URL from the link-box and deliver the URL back to the device.

**Claim 43**

Counter for counting web visitors is well known in the art.

**Claim 44, 45**

Nachinso uses local memory for storing link-box addresses (URLs).

**Claim 46**

Portable, removable or external memory is well known in he art.

**Claim 47**

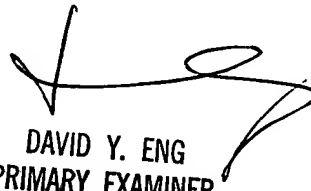
Nachinson has more than one programmable switches also.

Claims 10-16 and 51-53 are allowed. Claims 22-32 will given favorable consideration if claim 22 is rewritten to independent form to include all limitations of its parent claims 17-21.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID Y. ENG  
PRIMARY EXAMINER